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FLOOR DEBATE

April 4, 2002

LB 1303

would move to amend with AM3446. (Legislative Journal page 1315.)

SPEAKER KRISTENSEN: Senator Bromm, you're recognized to open.

SENATOR BROMM: Thank you very much, Mr. Speaker and colleagues. After this bill went through on General File, there was a question, or a concern that was raised following debate. On page 1, line 10, it talks about, in that section, that the Legislature finds that pretrial diversion offers persons charged with criminal offenses and minor traffic violations an alternative to traditional criminal justice or juvenile justice proceedings in that, and then there is a list, it permits participation, et cetera. And in line 10, where it talks, in the phrase, the accused has access to counsel prior to a decision to participate. This would insert, after counsel, the accused has access to counsel for criminal offenses, prior to a decision to participate. As you know, minor traffic offenses are not criminal offenses. Traditionally there has not been the same right to counsel as there is if you're charged with a criminal offense. And we didn't want to, by the way this bill was constructed, to infer that were changing the law, with respect to providing counsel where it was something other than a criminal offense, or an absolute right to counsel when it's something other than a criminal offense. So, we believe, I believe, that this is a clarification. Whether it's necessary or not might be debatable, but certainly to remove the question, I would suggest that we insert those three words, page 1, line 10, after "counsel," the words "for criminal offenses." Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: Debate on the amendment. Seeing none, Senator Bromm, you're recognized to close. He waives that opportunity. The question before the body is the adoption of the Bromm amendment. All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of Senator Bromm's amendment.

SPEAKER KRISTENSEN: Senator Erdman. Mr. Clerk, other